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EXAMINER

PEACHES, RANDY

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/021,092	Applicant(s) FUJII, KENICHI	
	Examiner Randy Peaches	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is FINAL.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1-3, 5-6, 8-9, 14-15, and 19-22*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (U.S. Patent Number 6,438,385 B1) in view of Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1).

Regarding ***claims 1, 5, 14, and 19*** Heinonen et al discloses a system capable of preventing disturbance caused by a mobile station (MS), which reads on claimed "wireless communication terminal", in a certain area. The said MS is provided with a control means for muting the said MS in response, which reads on claimed "communicating", to receiving a predetermined message (signal) transmitted from a transmitting means (BTS), which reads on claimed "entrance/exit regulating apparatus", wherein:

the said BTS comprises:

- a transmitting means, which reads on claimed ***"first communication means"***, as taught in column 1 lines 11-16 for transmitting a radio signal, as taught in column 1 lines 14-15, which reads on claimed "indication signal", for indicating a communication restriction of the said MS. ***The***

***Examiner would like to clarify his position as to the interpretation of the claimed "first communication means". The transmitting means of the said BTS transmits radio signals to the said MS. This occurrence has been interpreted by the Examiner as the "first communication means" of the said BTS; and***

- ***a base station controller (BSC), which reads on claimed "first control means," for regulating a said BTS in accordance with communication with the said MS by the transmission of the said radio signals to the said MS; and***

the said MS comprising:

- reception means, which reads on claimed "first communication means" for communicating with the said BTS's first communication means. See column 1 lines 16-24 and column 6 lines 55-66 and FIGURE 4;
- transmitting means, which reads on claimed "second communication means", as taught in column 1 lines 16-19 and column 5 lines 18-22, for communication via a public network; and
- a control means, which reads on claimed "second control means", for detecting a muting message (restriction signal) and processing the information to restrict the said MS, which reads on claimed "making a communication restriction of said second communication means in accordance with the indication signal received from said first communication means". See column 6 lines 56-67 and column 7 lines 1-

4. In addition, Heinonen et al. continues to teach of transmitting a message to a mobile communication center informing that the said MS in question has been restricted of service, which reads on claimed "for transmitting information of the communication restriction as the response" (see column 2 lines 56-61).

However, Heinonen et al. fails to expressly disclose regulating the entrance/exit of a person based on a response received from a said MS.

Gobburu et al. discloses in paragraph [0083], of a mobile communication device, which reads on claimed "wireless communication terminal", capable of displaying a bar coded security pass to a scanner, which reads on claimed "entrance/exit apparatus". If authorization is valid, the door is unlocked and the said user of the mobile communication device is allowed to enter, which reads on claimed "regulating the entrance/exit of a person".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) in order to provide a mechanism capable of combining the functions of regulating access to an area and regulating the communication of a mobile device in a predetermined sensitive area, where the communication of a said mobile device is determined to cause disturbance to its surrounding environment.

Regarding **claims 2 and 20**, Heinonen et al. discloses a system having a transmitting means (BTS), which reads on claimed "entrance/exit regulating apparatus", and having a mobile communication center, which reads on claimed "server," wherein comprises:

- a transmitting means, as taught in column 1 lines 11-16, which reads on claimed "restriction means", for transmitting an radio signals as taught in column 1 lines 14-15, which reads on claimed "indication signal", for indicating a communication restriction of the mobile station carried by person. ***The Examiner would like to clarify his position as to the interpretation of the claimed "first communication means". The transmitting means of the said BTS transmits radio signals to the said MS. This occurrence has been interpreted by the Examiner as the "first communication means" of the said BTS. The said MS detects a muting message (restriction signal) and processes the information to restrict the said MS, which reads on claimed "making a communication restriction of said second communication means in accordance with the indication signal received from said first communication means". See column 6 lines 56-67 and column 7 lines 1-4. In addition, Heinonen et al. continues to teach of transmitting a message to a mobile communication center informing that the said MS in question has been restricted of service, which reads on claimed "for transmitting information of the communication restriction as the response" (see column 2 lines 56-61).***

- the said MS (transmitting) notifying the mobile communication server, which reads on claimed "server apparatus", of an indication that the said MS whose communication was restricted by said a transmitting means exists in a predetermined area. See column 5 lines 15-27;

the said mobile communication center comprising:

- managing an existence location of the wireless communication terminal in accordance with a notice supplied from said MS transmitter, which reads on claimed "notification means". See column 5 lines 15-27.

However, Heinonen et al. fails to expressly disclose of a system having an apparatus regulating entrance/exit of a person.

Gobburu et al. discloses in paragraph [0083] of a scanner, which reads on claimed "entrance/exit apparatus". If authorization is valid, the door is unlocked and the said user of the mobile communication device is allowed to enter, which reads on claimed "regulating the entrance/exit of a person".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) in order to provide a mechanism capable of combining the functions of regulating access to an area and regulating the communication of a mobile device in a predetermined sensitive area. Additionally, incorporating a said mobile communication center capable of managing the regulating of the said MS.

Regarding **claim 3**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 2**, wherein Gobburu et al. discloses wherein a "My Transaction" database, which reads on claimed "second server apparatus owned by a carrier", which can be host locally on a said MS or remotely in the carrier's network, where the wireless ISP 70 (see Gobburu et al paragraph [0063]) may automatically report the location of the said MS.

Regarding **claim 6**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 5**, Gobburu et al. discloses wherein regulation of an entrance/exit of a person is performed by opening/closing a door, which reads on claimed "gate". See Gobburu et al's paragraph [0083].

Regarding **claim 8**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 5**, Heinonen et al. discloses wherein the response contains information indicating a communication function of the said MS's transmitting means after the indication signal is received. See Heinonen et al. column 5 lines 15-27.

Regarding **claim 9**, as the above combination of Heinonen et al. (U.S. Patent Number



6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 5**, Heinonen et al. discloses wherein said control means notifies a said mobile communication center apparatus of an entering/leaving state of the wireless mobile station relative to a predetermined area.

Regarding **claim 15**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 14**, Heinonen et al. discloses control means, which reads on claimed "second control means", for detecting a muting message (restriction signal) and processing the information to restrict the said MS, which reads on claimed "making a communication restriction of said second communication means in accordance with the indication signal received from said first communication means". See column 6 lines 56-67 and column 7 lines 1-4. In addition, Heinonen et al. continues to teach of transmitting a message to a mobile communication center informing that the said MS in question has been restricted of service, which reads on claimed "for transmitting information of the communication restriction as the response" (see column 2 lines 56-61).

Regarding **claim 21**, Heinonen et al. discloses in column 1 lines 14-15, a control method for a transmitting means (BTS), which reads on claimed "entrance/exit regulating apparatus", for regulating an entrance/exit of a person, comprising:

- a transmitting means, as taught in column 1 lines 11-16, which reads on claimed "transmission means", for transmitting an radio signals as taught in column 1 lines 14-15, which reads on claimed "indication signal", for indicating a communication restriction of the said MS a transmitting means, as taught in column 1 lines 11-16, which reads on claimed "restriction means", for transmitting an radio signals as taught in column 1 lines 14-15, which reads on claimed "indication signal", for indicating a communication restriction of the mobile station carried by person. ***The Examiner would like to clarify his position as to the interpretation of the claimed "first communication means". The transmitting means of the said BTS transmits radio signals to the said MS. This occurrence has been interpreted by the Examiner as the "first communication means" of the said BTS. The said MS detects a muting message (restriction signal) and processes the information to restrict the said MS, which reads on claimed "making a communication restriction of said second communication means in accordance with the indication signal received from said first communication means". See column 6 lines 56-67 and column 7 lines 1-4. In addition, Heinonen et al. continues to teach of transmitting a message to a mobile communication center informing that the said MS in question has been restricted of service, which***

***reads on claimed "for transmitting information of the communication restriction as the response" (see column 2 lines 56-61); and***

- a control means, which reads on claimed "second control means", for detecting a muting message (restriction signal) and processing the information to restrict the said MS, which reads on claimed "making a communication restriction of said second communication means in accordance with the indication signal received from said first communication means". See column 6 lines 56-67 and column 7 lines 1-4. In addition, Heinonen et al. continues to teach of transmitting a message to a mobile communication center informing that the said MS in question has been restricted of service, which reads on claimed "for transmitting information of the communication restriction as the response" (see column 2 lines 56-61).

However, Heinonen et al. fails to expressly disclose regulating the entrance/exit of a person based on a response received from a said MS.

Gobburu et al. discloses in paragraph [0083], of a mobile communication device, which reads on claimed "wireless communication terminal", capable of displaying a bar coded security pass to a scanner, which reads on claimed "entrance/exit apparatus". If authorization is valid, the door is unlocked and the said user of the mobile communication device is allowed to enter, which reads on claimed "regulating the entrance/exit of a person".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) in order to provide a mechanism capable of combining the functions of regulating access to an area and regulating the communication of a mobile device in a predetermined sensitive area, where the communication of a said mobile device is determined to cause disturbance to its surrounding environment.

Regarding **claim 22**, Heinonen et al. discloses in column 1 lines 14-15, a control method for a mobile station (MS), which reads on claimed "wireless terminal", communicating with a BTS, which reads on claimed "entrance/exit regulating apparatus," for regulating an entrance/exit of a person by a transmission means of the said BTS, which reads on claimed "first communication means," and a second communication unit for communication via a public network, the method comprising:

- reception means, which reads on claimed "first communication means" for communicating with the said BTS. See column 1 lines 16-24 and column 6 lines 55-66 and FIGURE 4;
- a control means, which reads on claimed "second control means", for detecting and a muting message (restriction signal) and processing the information to restrict the said MS, which reads on claimed "making a communication restriction of said second communication means in accordance with the indication signal received from said first

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communication means". See column 6 lines 56-67 and column 7 lines 1-4. In addition, Heinonen et al. continues to teach of transmitting a message to a mobile communication center informing that the said MS in question has been restricted of service, which reads on claimed "for transmitting information of the communication restriction as the response" (see column 2 lines 56-61).

However, Heinonen et al. fails to expressly disclose regulating the entrance/exit of a person based on a response received from a said MS.

Gobburu et al. discloses in paragraph [0083], of a mobile communication device, which reads on claimed "wireless communication terminal", capable of displaying a bar coded security pass to a scanner, which reads on claimed "entrance/exit apparatus". If authorization is valid, the door is unlocked and the said user of the mobile communication device is allowed to enter, which reads on claimed "regulating the entrance/exit of a person".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) in order to provide a mechanism capable of combining the functions of regulating access to an area and regulating the communication of a mobile device in a predetermined sensitive area, where the communication of a said mobile device is determined to cause disturbance to its surrounding environment.

2. **Claims 4 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) as applied to claim above, and further in view of Kniffin et al (U.S. Patent Number 6,072,402).

Regarding **claim 4**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 2**, fails to disclose where a said management means also manages an entering/leaving time of the wireless communication terminal relative to the predetermined area.

Kniffin et al teaches in column 3 lines 16-26, of a database (24), which reads on claimed "server", which maintains all knowledge of all accesses that have been authorized to enter a pre-determined area, including the time in which the accesses were granted.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) to further Kniffin et al (U.S. Patent Number 6,072,402) include in order incorporate a means to maintain a log of users of a said mobile station entering/exiting a predetermined area.

Regarding **claim 10**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 5**, fails to disclose wherein the said control means notifying a server of the time the said wireless device enters and leaves a predetermined area.

Kniffin et al teaches in column 3 lines 16-26, of a database (24), which reads on claimed "server", which maintains all knowledge of all accesses that have been authorized to enter a pre-determined area.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) to further include Kniffin et al (U.S. Patent Number 6,072,402) include in order incorporate a means to maintain a log of users of a said mobile station entering/exiting a predetermined area.

3. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) as applied to claims above, and further in view of Ariga (U.S. Patent Number 6,625,455 B1).

Regarding **claim 11**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246

A1) are made, the combination according to **claim 5**, fails to disclose wherein said transmission means transmits an indication signal for releasing the restriction of communication of the second communication means when the wireless communication terminal exits from a predetermined area.

Ariga teaches in column 3 and column 4 lines 64-67 lines 1-7, respectively, of a power ON message being transmitted to a said MS upon leaving a restricted area.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) to further include Ariga (U.S. Patent Number 6,625,455 B1) include in order allow a means to transmit a message/signal to the said MS upon leaving a predetermined restricted area.

4. **Claims 7 and 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) as applied to claims above, and further in view of da Silva (U.S. Patent Number 6,496,703 B1).

Regarding **claim 7**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 5**, fails to disclose wherein the indication signal is used for selecting one of a non-restriction mode without



communication restriction, a manner mode of automatically turning off incoming call sounds of real time communication, a drive mode of automatically responding to real time communication, a real time communication inhibition mode of permitting only non-real time communication, a call in-out restriction mode of inhibiting call in-out of all communications and a wireless signal transmission restriction mode of inhibiting transmission of a wireless communication signal.

da Silva teaches in column 7 lines 39-45, where an indication signal is sent not to completely disable the cellular phone, which reads on claimed "wireless terminal", but to allow the user some functionality during a restriction. As example, incoming calls can be prohibited, while in turn, allowing outgoing calls to occur within a predetermined area. Also, da Silva discloses in column 7 lines 43-46, of prohibiting the ringing of a said cellular phone. See column 8 lines 38-42.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) to further include da Silva (U.S. Patent Number 6,496,703 B1) to incorporate a functionality allowing some, not all, service to be prohibited in a predetermined area. The relevance is to allow some communication to occur within a predetermined area so that the user is not completely disabled without communication.

Regarding **claim 12**, as the combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1), Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1)

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and da Silva (U.S. Patent Number 6,496,703 B1) are made, the combination according to **claim 5**, continues to teach, as disclosed by da Silva in column 9 lines 33-50, where if an emergency call exists, the said cellular phone is enabled within the predetermined area and the call is completed. After such, the said cellular phone returns back to the state of restriction.

Regarding **claim 13**, as the combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1), Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) and da Silva (U.S. Patent Number 6,496,703 B1) are made, the combination according to **claim 12**, continues to teach, as disclosed by da Silva in column 9 lines 33-50, where if an emergency call does not exist or has been made maliciously, the said cellular phone returns back to the state of restriction.

5. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) as applied to claims above, and further in view of Weber et al. (U.S. Patent Number 6,343,212 B1).

Regarding **claim 16**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 14**, fails to disclose wherein said second communication means can switch among a plurality of communication

restriction modes, and said control means changes the communication restriction mode of said second communication means in accordance with a mode designated by the entrance/exit regulating apparatus.

Weber et al. discloses in column 3 lines 15-19, where the said base station (BTS), which reads on claimed "entrance/exit regulating apparatus", transmits system messages (signal) relating to mode change information for the said MS. Where Weber et al disclose a generating means, which reads on claimed "control means", which generates mode change information for switching a said MS into a different mode. Modes are defined as silent, vibrating and or visual. See column 4 lines 1-10.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) to further include Weber et al. (U.S. Patent Number 6,343,212 B1) in order to define different modes that a said MS may changed to after receiving information pertaining to a communication restriction within a predetermined area.

6. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1), Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) and Weber et al. (U.S. Patent Number 6,343,212 B1) as applied to claims above, and further in view of da Silva (U.S. Patent Number 6,496,703 B1).

Regarding **claim 18**, as the above combination of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) are made, the combination according to **claim 16**, fails to disclose wherein the communication restriction modes include at least one of a non-restriction mode without communication restriction, a manner mode of automatically turning off incoming call sounds of real time communication, a drive mode of automatically responding to real time communication, a real time communication inhibition mode of permitting only non-real time communication, a call in-out restriction mode of inhibiting call in-out of all communications and a wireless signal transmission restriction mode of inhibiting transmission of a wireless communication signal.

da Silva teaches in column 7 lines 39-45, where an indication signal is sent not to completely disable the cellular phone, which reads on claimed "wireless terminal", but to allow the user some functionality during a restriction. As example, incoming calls can be prohibited, while in turn, allowing outgoing calls to occur within a predetermined area. Also, da Silva discloses in column 7 lines 43-46, of prohibiting the ringing of a said cellular phone. See column 8 lines 38-42.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Heinonen et al. (U.S. Patent Number 6,438,385 B1) and Gobburu et al (U.S. Patent Publication Number US 2002/0060246 A1) to further include da Silva (U.S. Patent Number 6,496,703 B1) to incorporate a functionality allowing some, not all, service to be prohibited in a

predetermined area. The relevance is to allow some communication to occur within a predetermined area so that the user is not completely disabled without communication.

***Allowable Subject Matter***

7. ***Claim 17*** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding ***claim 17***, according to ***claim 16***, wherein a person enters a predetermined area, if communication restriction of the mode designated by the entrance/exit regulating apparatus ***is more severe*** than communication restriction of a mode preset to said second communication mode, said control means changes a mode of said second communication means to the designated mode, whereas ***if not more severe***, the mode is not changed.

### ***Response to Arguments***

Applicant's arguments filed 11/04/2004 have been fully considered but they are not persuasive.

The Examiner has considered the information presented by the Applicant in regards to the cited prior art's failure to disclose or suggest the features of transmitting, by a first wireless communication method, an indication signal for indicating a communication restriction of a second wireless communication method of the wireless communication terminal in accordance with the indication signal received by the first communication method. Consequently, the Examiner's position in regards to the argument is that a more thorough explanation of the Examiner's interpretation is needed.

The first communication means, as detailed by the Examiner, is the communication between the said MS and the said BTS. The BTS provides the regulating information to the said MS as to when the "second communication means" e.g. transmitting means of the MS, shall be restricted. There are two distinct communication means within the environment of the cited prior art Heinonen et al. (U.S. Patent Number 6,438,385 B1):

#### ***First communication means:***

- I.) BTS
  - a. Transmission means of the said BTS, e.g. transmission of the regulating signal to the said MS
- II.) MS
  - a. Reception Means of the said MS to receive the regulating information from the said BTS

#### ***Second Communication Means:***

- I.) MS
  - a. Transmission means of voice/data information, which is

regulated by the said BTS

Therefore, based on the information presented in the Examiner's remarks, as well as, in the above office action, **claims 1-16 and 18-22** stand rejected.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches  
April 4, 2005

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**